

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PAUL ANTHONY BOGAN, JR.

PLAINTIFF

V.

CIVIL ACTION NO.3:18-CV-576-DPJ-FKB

UNITED STATES OF AMERICA

DEFENDANT

ORDER

This pro se prisoner case is before the Court on Defendant's Motion to Dismiss [31], Plaintiff Paul Anthony Bogan, Jr.'s Motion for Summary Judgment or Default Judgment [37], and the Report and Recommendation [43] of United States Magistrate Judge F. Keith Ball. Judge Ball concluded that the Bureau of Prisons' Inmate Accident Compensation Procedures, 28 C.F.R. §§ 301.101, *et seq.*, provide the exclusive remedy for Bogan's work-related injuries suffered as a prison employee. *See Walker v. Reese*, 364 F. App'x 872, 876 (5th Cir. 2010) ("[T]he U.S. Supreme Court and Fifth Circuit have repeatedly held that the BOP's IAC system is the exclusive means of recovery for prison-employee's work-related injuries."). So Judge Ball recommended dismissal without prejudice of Bogan's claims for lack of jurisdiction. Bogan failed to file objections to the Report and Recommendation, and the time to do so has now passed.

The Court adopts the Report and Recommendation [43] as its opinion. Defendant's Motion to Dismiss [31] is granted, and Bogan's Motion for Summary Judgment or Default Judgment [37] is denied. The case is dismissed without prejudice for lack of jurisdiction. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 24th day of February, 2020.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE